

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Shannon Tyrone Craig,

Civil No. 10-3122 PJS/AJB

Plaintiff,

v.

REPORT AND RECOMMENDATION

Michael J. Astrue,
Commissioner of Social Security,

Defendant.

Plaintiff Shannon Tyrone Craig filed his complaint in this matter on July 26, 2010, simply alleging “unlawful withholding of funds,” and seeking \$1,000.000 monetary compensation.¹ Mr. Craig also filed an application to proceed *in forma pauperis* (IFP). On August 4, 2010, the plaintiff filed a motion for an order requiring the Social Security Administration to issue the plaintiff’s SSI and disability payments to a specified account rather than forcing him to pick up his check at the SSA St. Paul office. The magistrate judge tentatively denied the motion for IFP based upon the failure to state an actionable claim for relief.² However, the plaintiff was allowed 30 days, until September 5, 2010, in which to file an

¹ Plaintiff Shannon Craig simultaneously filed a second action in District Court, Civil No. 10-3121 PJS/AJB, also against the Commissioner of Social Security. The complaint stated that the plaintiff had been denied disability benefits and/or supplemental security income. Mr. Craig’s IFP application was denied and the case was summarily dismissed for failure to plead a cause of action upon which relief could be granted, as stated in a Report and Recommendation to the district court. The Report and Recommendation noted the existence of the second case that is presently before the court, and advised the plaintiff that any claim in the 10-3121 case could be asserted in an amended complaint in this case.

² At that time Mr. Craig was also directed to the FBA Pro Se Project for possible referral to an attorney for consultation and assistance. The FBA Pro Se Project Coordinator advised the court that Mr. Craig had contacted her and that an attorney had agreed to meet with him and evaluate his case. However, Mr. Craig failed to respond to subsequent telephone calls and

amended complaint, failing which a recommendation for summary dismissal would be issued.

The 30-day deadline has now passed and plaintiff has not filed an amended complaint or otherwise maintained contact with the court.

Now therefore, based upon plaintiff Shannon Tyrone Craig's failure to file an amended complaint as instructed in the court's Order dated August 5, 2010, and in accordance with that Order, it is **HEREBY RECOMMENDED** that plaintiff's application to proceed IFP be **denied** [Docket No. 2]; that plaintiff's motion filed August 4, 2010 be **denied** [Docket No. 4]; and that this action be **summarily dismissed** without prejudice.

Dated: September 28, 2010

s/Arthur J. Boylan
Arthur J. Boylan
United States Chief Magistrate Judge

Pursuant to Local Rule 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and by serving upon all parties, written objections which specifically identify the portions of the Report to which objections are made and the bases for each objection. This Report and Recommendation does not constitute an order or judgment from the District Court and it is therefore not directly appealable to the Circuit Court of Appeals. Written objections must be filed with the Court before October 13, 2010.

correspondence from the prospective pro bono attorney.